

**Town of Middleborough**  
**Massachusetts**

---

**BOARD OF SELECTMEN**

June 6, 2012

Donald Laverdure  
Acting Assistant Secretary for Indian Affairs  
United States Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Ms. Paula L. Hart  
Director  
Indian Affairs Office of Indian Gaming  
United States Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Re: Fee-to Trust Application(s) for Land for Gaming Project of Mashpee Wampanoag Tribe

Dear Assistant Secretary Laverdure and Director Hart:

We write to request that any and all lands located within the Town of Middleborough be formally and irrevocably withdrawn from the application for fee-to-trust acceptance of the Mashpee Wampanoag Tribe, and to formally withdraw the Town of Middleborough's support for the Tribe's application. This action follows a period of years during which the Tribe has utterly failed to communicate with the Town, except through third party intermediaries whose authority to speak for the Tribe has apparently been revoked or disavowed. While recent press releases from the Tribe suggest it has purported to "amend" its fee-to-trust application to substitute land in Taunton, Massachusetts, for the Middleborough parcel, the Town has had no confirmation from the Tribe or the BIA. Nevertheless, having heard through third parties that the Tribe no longer intends to pursue an "initial reservation" in Middleborough, the Town perceives no obligation to continue to lend its name and support to an amended application. Moreover, the Town is not aware that any such amendment could be accomplished without requiring the Tribe to file a new application, since the original application included site-specific detail relating exclusively to Middleborough and Mashpee.

As you know, the Tribe filed its application on July 30, 2007, after negotiating an Intergovernmental Agreement with Middleborough that required Middleborough to support the

Tribe's application. Almost immediately, the Tribe began to use its pending application and its IGA with Middleborough as a "stalking horse" to obtain what it perceived to be more favorable commitments from other communities and from the Commonwealth of Massachusetts. These actions have been an obvious breach of the IGA's requirement that the Tribe deal in good faith with the Town, and have raised broader questions about the Tribe's candor.

In July 2010, we wrote to you to express our concern that the Tribe was publicly stating its intent to "amend" the fee-to-trust application relating to the land in Middleborough by adding land in Fall River, Massachusetts. As we said then, and as we continue to believe today, the Tribe's original application for an "initial reservation" in Middleborough and Mashpee was well-supported. The amendments reported in the press do not suggest anywhere near the level of specificity that accompanied the Tribe's July 2007 application. Instead, the Tribe appears to be content to find another community interested in hosting a casino, and then work backwards to locate, by contrivance or otherwise, some historical connection between the Tribe and the host community that could support the creation of a reservation.

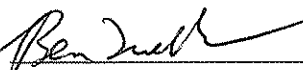
While the IGRA certainly contemplates the use of its procedures to facilitate Indian gaming, neither the Town of Middleborough nor the BIA should be forced to continue to play "Three Card Monty" with the Tribe or indulge its ephemeral commitments to neighboring communities. It is obvious to Middleborough and to any reasonably informed observer that the Tribe simply cannot be counted upon to fulfill its obligations, and that its leadership has come to view sovereignty as an axe to be wielded against any person or entity that attempts to enforce its obligations. Such behavior is hardly the hallmark of a responsible sovereign nation, much less a responsible casino operator.

Respectfully yours,

  
\_\_\_\_\_  
Alfred P. Rullo, Jr., Chairman

  
\_\_\_\_\_  
Allin Frawley, Vice Chairman

\_\_\_\_\_  
Steven P. Spataro

  
\_\_\_\_\_  
Ben Quelle

  
\_\_\_\_\_  
Stephen J. McKinnon

**BOARD OF SELECTMEN**

c. Senator John Kerry, Senator Scott Brown, Representative Barney Frank, Representative William Keating, Tracie Stevens, Chairwoman, National Indian Gaming Commission



## Town of Middleborough

Massachusetts

---

### BOARD OF SELECTMEN

June 6, 2012

His Excellency Deval Patrick  
Office of the Governor  
The Commonwealth of Massachusetts  
Statehouse, Room 360  
Boston, MA 02133

Dear Governor Patrick:

We, the members of the Board of Selectmen of the Town of Middleborough remain concerned with the ongoing Compact negotiations with respect to the proposed Mashpee Wampanoag Casino in Taunton. The proposed Taunton casino will obviously have significant impacts on our community. We can discern from the public statements respecting your negotiations no apparent concern for those impacts.

For example, potential impacts of the proposed casino on traffic, infrastructure, and the environment are just now being identified in reports published on the City of Taunton website. As towns under your jurisdiction, we are relying on you to secure and protect our interests, but to date there is no process for abutting Towns or the public to comment on these impacts so that you and your counsel can ensure that the Tribe is attentive to the full scope of its mitigation obligations. We are surprised that all of Taunton's neighboring communities appear to have been disregarded in the Compact negotiation process.

For example, review of the Mashpee Wampanoag Tribe's "Project First Light' Transportation Study" by Howard Stein-Hudson Associates (HSH) dated 5/21/12, indicates that the project team is studying traffic impacts in the immediate vicinity of the project site and only within the City of Taunton limits. There is passing reference in the report to Route 24 southbound between I-495 and Route 140 being close to capacity under current conditions during the Friday PM peak hour. However, the report fails to identify that this section of Route 24 experiences daily congestion resulting from the lane reduction just south of I-495 and substandard conditions at the Route 44 interchange. This congestion/gridlock forced MassDOT to recently widen Route 24 southbound to better accommodate queuing from the Route 140 off-ramp, but did not alleviate the overall problem. The traffic congestion on Route 24 is experienced even with the Galleria Mall operating at a level well below its capacity, which condition could drastically change with the construction of a nearby casino. Although the May 21, 2012 report does not show a graphic with percentages for regional trip distribution combining patrons and employees, HSH's 5/8/12 graphics showed that 78% of the casino's total traffic would travel over Route 24 between I-495 and Route 140, thus increasing Route 24's existing 64,335 vehicle trips per day by 16,212 or 25.2%. The Tribe is not proposing to provide mitigation for this stretch of Route 24 despite the casino's significant impact on it. The Southeast Regional Planning and Economic Development District (SRPEDD) has stated in

newspaper reports that widening of Route 24 and reconstruction of its ramps between I-495 and Route 140 would cost in the vicinity of \$197 million.

Route 24's congestion will be a significant obstacle for vehicles travelling to the casino from the north and on I-495 from Cape Cod and it is very likely that patrons and employees will bypass Rte 24 to access the casino via the "back roads" in Middleborough and Lakeville, i.e. Route 44, the Middleborough Rotary, Middleborough Ave and Route 79. Similarly, traffic travelling from Cape Cod on I-495 south of Middleborough will not proceed to Route 24, as is shown on the HSH graphics, but will also exit in Middleborough at Exit 5, Route 105, to travel by Route 79 or will exit at the Rotary to travel via Middleborough Avenue and Route 44. On a Friday afternoon when I-495 is also backed up in Middleborough, traffic may exit Route 24 at Route 104 and travel throughout the area.

The HSH traffic distribution estimates presented in the report appear to be based on outdated information; when the Wampanoag were building the only casino in the state. The estimates should be updated to reflect current gaming proposals in three regions. This update may show increased impact on Middleborough and other surrounding communities. The 5/8/12 draft traffic analysis prepared by HSH showed that 4% of the project's total traffic would travel from Route 44 east of Middleborough through the Middleborough Rotary. This traffic would then combine with those vehicles exiting I-495 NB, adversely impacting the already congested Rotary and Route 44 as well as overburdening the back roads in Middleborough, Lakeville and East Taunton. HSH identifies that 4% and 3% of total project traffic will travel through Middleborough; this appears to be low, as much of the traffic from the South Shore as well as the Rochester and Marion area will travel via Rte 44 and I-495 respectively. Adequate evaluation of traffic impacts beyond the City of Taunton is necessary to accurately assess the project's impacts and identify mitigation for the impacted roads. Middleborough and Lakeville will be adversely impacted by the traffic to the casino, especially in light of the Tribe's failure to mitigate Route 24 from I-495 to Route 140. Mitigation of the Middleborough Rotary and Route 44, which are currently being studied by MassDOT, through a contract with Fay Spofford & Thorndike, must be included in the State's compact with the Tribe.

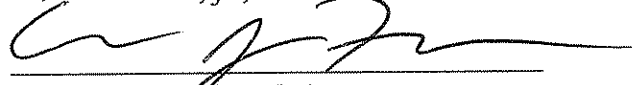
The increase in water withdrawal from the Assawompsett Pond Complex necessitated by the development of the casino/resort project will likewise impact neighboring communities. The Assawompsett Pond Complex is the drinking water supply for the City of Taunton and Taunton's management of its water levels has been the subject of considerable concern in the host towns of Middleborough, Lakeville, Freetown and Rochester. In 2010 these Towns experienced significant flooding of homes, businesses and public infrastructure with one of the expressed causes being the amount of water impounded in the pond complex over that winter by the City. Similarly, in the early spring of 2012 there was inadequate water for the herring fisheries in the Nemasket River. The four host towns as well as the Cities of Taunton and New Bedford have been meeting regularly for 3 years with the assistance of MADEP SERO, Representative Keiko Orrall, former Representative Stephen Canessa and others to evaluate pond levels and develop protocols for water release. The region was promised a \$500,000 federal earmark by Representative Barney Frank to conduct a comprehensive Hydrologic/Hydrogeologic Study of the Pond Complex but since earmarks have fallen out of favor, the region has no source of funding for this study. The May 22, 2012 Report by CDM Smith relating to Water Infrastructure impacts and mitigation does not address impacts to the Assawompsett Pond Complex or the need for more water supply capacity.

We have read the recent reports suggesting that you hope to complete your Compact negotiations in time for the General Court to vote thereon before the summer recess. We hope and trust that during those negotiations you have in mind the issues described above and the more general impacts the proposed casino will have on our communities. Of course, failure to attend to these very significant mitigation issues may result in a Compact which does not adequately protect our communities. To date, we have seen no indication that you have been responsive to these issues and to the need to assure community


participation in advance of a concluded Compact. We would be pleased to meet with you or a senior member of your staff in the near term to discuss these and related issues in greater detail.

Respectfully yours,

  
\_\_\_\_\_  
Alfred P. Rullo, Jr., Chairman

  
\_\_\_\_\_  
Allin Frawley Vice Chairman

\_\_\_\_\_  
Steven P. Spataro

  
\_\_\_\_\_  
Ben Quelle

  
\_\_\_\_\_  
Stephen J. McKinnon  
**BOARD OF SELECTMEN**

c. Senator Pacheco, Representative Calter, Representative Strauss, Representative Orrall,  
Representative Gifford